

SUPREME COURT.

Headnotes to Decisions, June Term, A. D. 1900.

Samuel Stewart and Lennie Stewart, Plaintiffs in Error, vs. The State of Florida, Defendant in Error—Hillsborough county.

CARTER, J.:

1. The acts and conduct of a witness relative to the matters in controversy which are inconsistent with his testimony, likewise his motives, interest or animus as connected with the cause or with the parties thereto, may be proved for the purpose of weakening the force of his testimony; and for the same purpose it is proper to admit evidence of statements made by the witness relative to matters material to the issues contradictory of his testimony on the trial. As to all of these matters, if the witness denies or fails to admit the imputed act, conduct, motive, interest, animus or contradictory statement when interrogated about them on cross-examination, he may be contradicted by other testimony proving them.

2. The answer of a witness on cross-examination respecting any fact irrelevant to the issue will be conclusive, and no question relating to facts irrelevant to the issue can be put on cross examination merely for the purpose of impeaching the credit of the witness by contradicting him.

Judgment affirmed.

Barron Phillips, for Plaintiffs in Error; William B. Lamar, Attorney General, for the State.

The Capital City Light and Fuel Company, a Corporation under the Laws of Florida, Appellant, vs. The City of Tallahassee, a Municipal Corporation of the State of Florida, Appellee.—Leon county.

Per Curiam:

1. Powers granted cities and towns "to provide for the lighting of the streets of the city or town," and "to regulate, improve, alter, extend and open streets, lanes and avenues, and to cause encroachments and obstructions, decayed buildings and ruins to be removed," do not authorize a city to grant an exclusive privilege to use the streets, lanes and alleys thereof for the purpose of laying gas pipes therein or erecting poles, wires and towers thereon for supplying gas or electricity to the city or its inhabitants by corporations authorized to manufacture gas or electricity.

2. That provision of the general laws for the creation of corporations in force prior to 1892, found in section 30, p. 234, McClellan's Dig., did not confer any power upon cities and towns, or aid or supplement the powers conferred by the general laws appertaining to the creation and powers of cities and towns, or in connection with other powers conferred on cities and towns, authorizes them to grant exclusive privileges for the use of their streets for laying gas pipes and erecting poles, wires and towers therein by gas or electric light companies organized under the general laws for the creation of corporations.

3. A grant of exclusive privileges, the possession of which will enable the grantee to obtain a practical monopoly for a limited time of a business affecting the public interest and convenience, must be strictly construed against the grantee; and nothing passes thereby but such as is clearly intended.

"Pitts' Carminative"
Saved My Baby's Life.

LAMAR & RANKIN DRUG CO.

I can not recommend Pitts' Carminative too strongly. I must say, I owe my baby's life to it.

I earnestly ask all mothers who have sickly or delicate children just to try one bottle and see what the result will be. Respectfully,

Mrs. LIZZIE MURRAY,
Johnson's Station, Ga.**Pitts' Carminative**
Is sold by all Druggists.
PRICE, 25 CENTS.

ness affecting the public interest and convenience, must be strictly construed against the grantee; and nothing passes thereby but such as is clearly intended.

4. The exclusive privileges granted by statute (section 30, p. 234, McClellan's Dig.) to corporations organized under the general laws for the creation of corporations in force prior to 1892 did not attach to a corporation so organized until it was put into successful operation, and [where] by its articles of association it was organized to engage in more than one kind of business, the fact that it erected a plant and engaged in one kind of business authorized by its charter, did not vest it with exclusive privileges as to other kinds of business in which it never engaged, though authorized by its charter, so as to preclude the Legislature from authorizing another municipal or private corporation to engage in such business.

5. Where a corporation is by its charter authorized to engage in a business affecting the public interest and given exclusive privileges which

BLOOD POISON CURED BY B. B. B.

Bottle Free to Sufferers.

Deep-seated, obstinate cases, the kind that have resisted doctors, hot springs and patent medicine treatment, quickly yield to B. B. B. (Botanic Blood Balm), thoroughly tested for 30 years. Have you mucous patches in the mouth? Sore Throat? Eruption? Eating Sores? Bone Pains? Itching Skin? Swollen Glands? Stiff Joints? Copper Colored Spots? Chancres? Ulceration on the body? Hair and eyebrows fall out? Is the skin a mass of boils, pimples and ulcers? Then this wonderful B. B. B. specific will completely change the whole body into a clean, perfect condition, free from eruptions, and skin smooth with the glow of perfect health. B. B. B. drains the poison out of the system so the symptoms cannot return. At the same time B. B. B. builds up the broken down constitution and improves the digestion. So sufferers may test B. B. B., a trial bottle will be given away free of charge.

B. B. B. for sale by druggists at \$1 per large bottle, or six large bottles (full treatment) \$5. Complete directions with each bottle. For trial bottle address Blood Balm Co., 524 Mitchell St., Atlanta, Ga. Describe trouble and Free medical advice given.

tend to establish a monopoly, such grant of exclusive privileges does not become a contract or vested right so as to be protected from impairment by the State or Federal Constitution until the grantee has, to say the least, begun preparations or made some expenditures to perform the service to the public which constitutes the consideration for the grant of the privilege.

6. Even if a city has power to grant the exclusive use of its streets for erecting poles, wires and towers for furnishing electric lights in the city, and in pursuance of this power grants such privilege by ordinance with a provision therein that the grantee shall not be required to furnish such lights until such time as it can make an annual profit of eight per cent. on its investment, such ordinance does not become a contract, the obligation of which is protected from impairment by the contract clause of the State and Federal Constitution, so long as the grantee fails to begin preparation for, or make expenditures toward erecting a plant for furnishing electric lights.

7. Where a corporation authorized to construct, maintain and operate a gas plant and an electric light plant to supply gas and electric lights in a certain city whose charter declares that when organized and put into successful operation the company shall have exclusive privileges for the purposes of its creation for the term of twenty years from the date it commenced to carry out in good faith the terms of its articles of incorporation, proceeds to erect its gas plant and to supply gas in the city, but for more than ten years after its incorporation it and its successors and assigns in interest fail to erect an electric light plant as authorized by its charter, or to begin preparations for so doing, the Legislature may authorize the city to construct and operate an electric light plant for supplying the city and its inhabitants with electric lights; and legislation for that purpose does not impair the obligation of a contract with the corporation or its successors and assigns in violation of the State and Federal Constitutions.

Decree affirmed.

Fred T. Myers, for Appellant; Geo. P. Raney, for Appellee.

A Village Blacksmith Saved His Little Son's Life.

Mr. H. H. Black, the well-known village blacksmith at Grahamville, Sullivan county, N. Y., says: "Our little son, five years old, has always been subject to croup, and so bad have the attacks been that we have feared many times that he would die. We have had the doctor and used many medicines, but Chamberlain's Cough Remedy is now our sole reliance. It seems to dissolve the tough mucus and by giving frequent doses when the croupy symptoms appear we have found that the dreaded croup is cured before it gets settled." There is no danger in giving this remedy for it contains no opium or other injurious drug and may be given as confidently to a babe as to an adult. For sale by Wight & Bro. and all medicine dealers.

Interesting Capital Mention.

Washington, Nov. 13.—The coming session of Congress will be in many respects an exciting one. It will be a short one, expiring by limitation on March 4 next, but will be crammed full of incident. Three important measures will be taken up—the ship subsidy steal, the army increase bill and the new Congressional re-apportionment. The first named is undoubtedly one of the most shameless raids upon the treasury attempted since the bonanza of the salary grab and the Credit Mobilier, thirty years ago. That bill, when enacted, will be a heavy drain upon the treasury for years to come and will furnish the opportunity for another gigantic trust to control shipbuilding and ocean transportation. It will for years stand as one of the obstacles in the way of any reduction of taxation, and after it is firmly established its repeal will be declared impossible on account of impairment of "invested interests." It is likely that nothing will stand in the way of the enactment of the bill at this session. It was introduced last winter, but was allowed to go over on account of the election.

The arant bad faith of the Republican administration is shown by the fact that while the votes were being cast an order was being prepared in the War Department revoking all orders for the return of the volunteers from the Philippines.

The Great Remedy of the day is unquestionably Fain-Killer, for the instant relief of all burns, scalds, bruises, etc., and for pains in the stomach and bowels as well as in sudden attacks of cholera morbus. No family should pretend to keep house without it always by them. Avoid substitutes, there is but one Fain-Killer, Perry Davis'. Price 25 cents and 50 cents.

This, it was frankly declared was to be issued no matter which side should win, and it has now been issued. In other words, it was practically confessed that all the talk about retiring the volunteers because the war was over was merely pre-election guff, intended to fool the voters and not to be carried out. While it is not stated when the instructions to begin the transportation of volunteers home will be renewed, it is expected that under present arrangements the entire force will remain on duty in the Philippines until February or March, and meantime it is the understanding of War Department officials that the coming session of Congress will adopt some law for the increase of the army, so that it may not be necessary to return the entire force. This must be done this winter as the army will be reduced by existing law to about 27,000,000 on July 1 next. The theory of Congress in passing the law, was that the conquest of the Philippine Islands would be completed by the time it expired.

A TEXAS WONDER.

Hall's Great Discovery.

One small bottle of Hall's Great Discovery cures all kidney and bladder troubles, removes gravel, cures diabetes, seminal emissions, weak and lame backs, rheumatism and all irregularities of the kidneys and bladder in both men and women, regulates bladder troubles in children. If not sold by your druggist, will be sent by mail on receipt of \$1. One small bottle is two months' treatment and will cure any case above mentioned. Dr. E. W. Hall, sole manufacturer, P. O. Box 629, St. Louis, Mo. Send for testimonials.

Sold by Wight & Bro., Tallahassee, Fla.

Dothen, Ala., April 24th, 1899.
Mr. J. R. Young, Dothen, Ala.—Dear Sir: This is to certify that I received great relief from the bottle of Hall's Great Discovery which I bought of you. In fact, I do not think there is anything to equal it. I was troubled for about two months with lame back and after taking one-half bottle I consider myself cured. Yours truly,
J. J. WILLIS.

But the strength and spirit of the people of those islands and their love of liberty were underestimated. It is now necessary, if their conquest is to be completed, to continue the army on a war footing possibly for an indefinite period. Provision has already been made for the education of a larger number of officers at West Point, thus indicating that the administration has no expectation of ever reducing the army to 25,000, which was the total before the Spanish war.

There will be a bitter fight over the new apportionment, if any attempt is made to reduce southern representation on the plea that the negroes have been disfranchised. Fortunately, it is extremely difficult to frame a law that will hit the South, without also injuring northern States like Massachusetts, which disfranchises all illiterates. Probably, if it is resolved to attempt to pass such a law, the whole matter will be postponed until the next Congress, as the new apportionment will not be used until the election of 1902, though it is desirable to adopt it as soon as possible, so that the various legislatures may redistrict their territory in accordance with possible changes in the number of their representatives.

T. B. Rice, a prominent druggist of Greensboro, Ga., writes as follows:

"I have handled Dr. Pitts' Carminative for eight years, and have never known of a single instance where it failed to give perfect satisfaction. Parties who once use it always make permanent customers. We sell more of this article than all the other Carminatives, soothing syrups and colic drops combined." For teething children it has no equal.

His Plain Story Won.

An untamed man slouched up to Smith in Farnum street the other day and accosted him as follows:

"Say, mister, if I was to tell you that I wanted a quarter to get a square meal you'd think I wanted it to buy whisky, wouldn't you?"

"That's exactly what I would think," replied Smith.

"And if I said I wanted a quarter to buy whisky you'd say you didn't propose to encourage the drink habit, wouldn't you?"

"That's what I'd say."

"And if I said I wanted a quarter to buy food for a starving wife and 11 children you'd think I was a liar, wouldn't you?"

"I would."

"Well, say, mister, I want a quarter to pay for having me mother-in-law's trunk hauled to the depot. Do I get it?"

Smith effected a compromise by parting with a dime.—Omaha World-Herald.

Thrive Without Meat.

It is the religion of nearly all Asiatics to abstain from eating flesh, fish or fowl, because it is a sin to kill, for food anything that has instinct, "lest it be hindered on its upward way." Besides, according to the doctrine of transmigration of souls, one might kill and eat one's grandmother. But, aside from that, vegetable food, it is claimed, makes better muscle and bone than meat. Anyway, it is well known that the stevedores of Constantinople and other eastern ports never eat meat, and that, as a class, they have no superiors anywhere in the world in physical strength.

A Good Varnish.

By dissolving celluloid in acetone or acetic ether a transparent varnish is made which will take a high polish and resist hot water. It is particularly adapted to metal objects, such as bicycles, and can be made a vehicle for any desired coloring matter.

DeWitt's Witch Hazel Salve will quickly heal the worst burns and scalds and not leave a scar. It can be applied to cuts and raw surfaces with prompt and soothing effect. Use it for piles and skin diseases. Beware of worthless counterfeits. All dealers.

Pretty Children

"We have three children. Before the birth of the last one my wife used four bottles of MOTHER'S FRIEND. If you had the pictures of our children, you could see at a glance that the last one is healthiest, prettiest and finest-looking of them all. My wife thinks Mother's Friend is the greatest and grandest remedy in the world for expectant mothers."—Written by a Kentucky Attorney-at-Law.

MOTHER'S FRIEND

prevents nine-tenths of the suffering incident to childbirth. The coming mother's disposition and temper remain unruffled throughout the ordeal, because this relaxing, penetrating liniment relieves the usual distress. A good-natured mother is pretty sure to have a good-natured child. The patient is kept in a strong, healthy condition, which the child also inherits. Mother's Friend takes a wife through the crisis quickly and almost painlessly. It assists in her rapid recovery, and wards off the dangers that so often follow delivery.

Sold by druggists for \$1 a bottle.

THE BRADFIELD REGULATOR CO., ATLANTA, GA.

Send for our free illustrated book written expressly for expectant mothers.

Foodie's Recipe For Success.

"It is work, work, work, that makes success," she once exclaimed. "Work five minutes, and you will succeed five minutes' worth, but work five hours, and you will succeed five hours' worth." "But," I said, "remember your natural gifts."

"Plenty have natural voices equal to mine," she answered, "but I have talent equal to mine, but I have worked."—Saturday Evening Post.

"Mr. Maximum."

The result of an examination was up on the notice board of a well known cramming establishment, and one of the attendants was scanning the list with as much interest as any of the breathless students. At the head of the list was written, "Maximum 300," when the attendant's eyes rested there on he exclaimed, "Why, that Mr. Maximum, he's always top, he is."—Lodge.

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of

and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and Substitutes are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA

Castoria is a substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Harmless and Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

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Chas. H. Fletcher

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In Use For Over 30 Years.

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TORTURE!

BESIDES the dangers and disfigurements of Blood Diseases, the Burning and Itching Skin Eruptions are among the most acute tortures. The strongest systems soon collapse under such agonies.

P. P. P. (Lippman's Great Remedy) is a safe and certain cure for every Skin Disease, whether torturing, disfiguring, humiliating, itching, burning, bleeding, scaly, pimply or blotchy—in fact, from pimples to the most distressing eczemas—and every humor of the blood, whether simple, scrofulous or hereditary.

P. P. P. Purifies the blood, builds up the weak and debilitated, gives strength to weakened nerves, expels diseases, and insures health and happiness where sickness and despair once shut out the light of life.

Sold by all Druggists. \$1 a bottle; six bottles, \$5.

LIPPMAN BROTHERS,

Sole Proprietors, LIPPMAN BLOCK, SAVANNAH, GA.

**Hardware, Hardware, Crockeryware.**

Full Line of Cook Stoves, Ranges and Heaters!

A FULL LINE OF WAGON MATERIAL, BOTH STEEL and IRON

A full Line of Steam Fittings, consisting of Piping, Pipe-fittings, Injectors, Inspirators, Whistles, Steam Gauges, Check and Globe Valves. Also, a full line Rubber and Leather Belting, Lace Leather, Belt Hooks and Steam Packing. A full line of Harness and Harness Leather.

Celebrated Chattanooga Mills, all sizes.

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TALLAHASSEE, FLORIDA.

ERASTUS W. CLARK,
Watchmaker and Jeweler.
TALLAHASSEE, FLORIDA.

Watches, Clocks and Jewelry Repaired and Warranted.

CASTORIA

The Kind You Have Always Bought

Bears the Signature of *Chas. H. Fletcher***Blood Humors**

It doesn't make any difference whether you believe in the modern theory and speak of the causes of diseases as referable to germs, microbes or bacilli, or whether you use the older and better understood terms of "humors" and "blood diseases"—Hood's Sarsaparilla cures them all.

It cures scrofula, salt rheum or eczema, catarrh, rheumatism, malaria and all other blood poisons; nervous troubles, debility and that tired feeling.

This is not merely modern theory; it is solid up-to-date fact.

"Salt rheum on my hands so severe I had to wear gloves most of the time, and could not shut my thumb and finger together, was cured by Hood's Sarsaparilla." Mrs. A. O. BRADSHAW, North Scarsport, Me.

"My three months old boy was cured of a very bad case of scrofula by Hood's Sarsaparilla." Wm. H. GARNER, West Earl, Pa.

Hood's Sarsaparilla

Promises to cure and keeps the promise. No substitute for Hood's acts like Hood's—be sure to get Hood's.

Kodol Dyspepsia Cure

Digests what you eat.

It artificially digests the food and aids Nature in strengthening and reconstructing the exhausted digestive organs. It is the latest discovered digestant and tonic. No other preparation can approach it in efficiency. It instantly relieves and permanently cures Dyspepsia, Indigestion, Heartburn, Flatulence, Sour Stomach, Nausea, Sick Headache, Gastralgia, Cramps and all other results of imperfect digestion. Price 25c. Large size contains 4 times small size. Book all about dyspepsia mailed free. Prepared by E. C. DeWITT & CO., Chicago.